

AN ACT

ENTITLED, An Act to revise certain provisions regarding medical claims for workers' compensation and to establish an administrative fine for delays regarding these medical claims.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 62-4 be amended by adding thereto a NEW SECTION to read as follows:

Within thirty days after receiving a properly submitted bill for medical payments, the employer shall:

- (1) Pay the charge or any portion of the bill that is not denied;
- (2) Deny all or a portion of the bill on the basis that the injury is not compensable, or the service or charge is excessive or not medically necessary; or
- (3) Request additional information to determine whether the charge or service is excessive or not medically necessary or whether the injury is compensable.

Section 2. That chapter 62-4 be amended by adding thereto a NEW SECTION to read as follows:

An employer that fails, refuses, or neglects to comply with the provisions of section 1 of this Act is subject to a administrative fine of five hundred dollars payable to the Department of Labor for each act of noncompliance, unless the employer had good cause for noncompliance. The department may promulgate rules pursuant to chapter 1-26 to establish standards for medical bill submissions pursuant to section 1 of this Act.

Section 3. That chapter 62-4 be amended by adding thereto a NEW SECTION to read as follows:

Upon the request of an employer, an employee subject to this title shall supply a signed medical release to allow copying of any medical record and report relevant to the employee's claim for workers' compensation. If the employee objects to the relevance of any medical record or report, an administrative law judge within the department shall, upon a showing of good cause for the release of such record or report, approve the release of the medical record or report relevant to the

employee's claim, to the employer. The employer shall, upon request, provide a copy of all medical records and reports received, to the employee, without cost to the employee.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1037

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1037
File No. _____
Chapter No. _____

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State